



SPONSOR: Rep. Lynn

HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE AMENDMENT NO. 1
TO
HOUSE BILL NO. 39

Section 1. Amend Subchapter II, Chapter 9, Title 10 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 930. Concurrent jurisdiction - mental health.

(a) Purpose. The purpose of jurisdiction under this section is to extend Family Court's jurisdiction under Chapter 50 of Title 16 over a specific category of youths.

(b) Scope.

(1) This section applies only to a youth who was under DSCYF custody when the youth attained 18 years of age and both of the following apply:

a. Prior to At the time of attaining 18 years of age, the youth was identified or diagnosed with a mental condition as defined in § 5001 of Title 16.

b. After attaining 18 years of age, but prior to attaining the age of 26 years of age, the youth is subject to proceedings in Superior Court under Chapter 50 of Title 16.

(2) Family Court's jurisdiction under this section:

a. May continue until the youth attains 26 years of age.

b. Does not affect the youth attaining the age of majority on his or her eighteenth birthday, and DSCYF custody of a youth terminates by operation of law when the youth attains 18 years of age.

c. May be concurrent with jurisdiction under § 928 or § 929 of this title.

(c) Procedure.

(1) In any proceeding under Chapter 50 of Title 16 involving a youth who meets the criteria of this section, the Superior Court shall may, upon notification by the youth or by its own initiative, transfer the case to the Family Court for further proceedings under Chapter 50 of Title 16. Transfer of a case may occur in conjunction with the youth's first appearance in the Superior Court or as soon as practicable thereafter.

23 (2) When a youth under the jurisdiction of the Family Court under this section attains 26 years of age, the
24 Family Court shall transfer that youth's case to the Superior Court.

25 (3) The Family Court and the Superior Court may establish procedures for all of the following:

26 a. The identification of youths who meet the criteria of this section.

27 b. The transfer of cases between the two Courts.

28 (4) Upon transfer of a case under paragraph (c)(1) of this section, the Family Court shall utilize and apply the
29 same procedure and legal standard in Chapter 50 of Title 16 that the Superior Court would otherwise apply to an
30 individual of the same age as the youth.

31 Section 2. This Act takes effect on January 1, 2018.

SYNOPSIS

This Amendment clarifies that a youth subject to concurrent jurisdiction under § 930 of Title 10 must be identified or diagnosed with a mental condition at the time the youth turns 18 years of age. This Amendment also provides that the Superior Court has the discretion, rather than an obligation, to transfer a case to the Family Court under § 930.